

**REMARKS**

Reconsideration of the present application is respectfully requested.

Claims 25, 28-39, 42-45 and 47-50 are pending and under consideration.

Claims 38 and 48 are amended herein. Support for claim 38 as amended is found, for example, in Figure 4, and the description of same at specification page 12. It is believed that claim 38 as amended traverses the rejection asserted against it under 35 U.S.C. § 112 paragraph 2. Claim 48 as amended finds support, for example in Figures 3, 4, and 5. No new matter has been added to the specification in view of these amendments.

Claims 25, 28-39, 42-44 and 47 are rejected under 35 U.S.C. § 102 (b) as anticipated by Imburgia, U.S. Patent No. 5,750,184. Claims 45, 48, and 50 are rejected under 35 U.S.C. § 103 (a) as unpatentable over Imburgia in view of Brown, WO 01/56618. Claim 49 is rejected under 35 U.S.C. § 103 (a) as unpatentable over Imburgia in view of Brown, and further in view of McCormick, U.S. Patent No. 5,824,553. Applicants respectfully submit that these rejections are traversed for the following reasons.

First of all, it seems that Imburgia does not disclose subject matter that is recited in claims 25, 28-39, 42-44 and 47, and thus these claims are not anticipated by Imburgia. Claim 25 provides in part that “the supply line [is] comprised of a channel located between a sidewall of the *first housing part* and

at least one ridge positioned on the interior of the *first housing part*” (Emphasis added). Thus, the first housing part is provided with a sidewall and a ridge that cooperate to provide a channel for a sterilizing medium. It would seem that the analysis of Imburgia with respect to this limitation is not correct. At page 4 of the Office Action, it is indicated that the channel is defined by the sides of first member 16 and second member 18 of Imburgia, which second member 18 provides the inwardly facing ridge. This is at odds with the claimed invention, since it must be the first member that has the ridge, not the second member, as is the case with Imburgia. Furthermore, there is no indication in Imburgia that an inwardly facing ridge is provided on member 18. In fact, the inwardly facing side of member 18 is flat and planar, which contradicts the allegation that there is a ridge on Imburgia’s member 18.

Applicants provide herewith an Attachment which depicts the structure disclosed in Imburgia and the claimed invention. It is apparent that in the present invention, the side wall and the ridge are provided on a single housing part, which is designated the first housing part in the claims. In contrast, it is seen that Imburgia is only provided with a sidewall, and does not have a ridge, which defines a tortuous path 36, (or 136, as shown in certain figures) and channel 36a. Further, the attachment demonstrates that the second housing part 18 does not have a ridge.

Claim 25 further provides that “the channel [extends] over substantially the entire surface of the first housing part, but for a surface portion of the first housing part, comprising the testing chamber.” In attempt to demonstrate that this limitation reads on Imburgia, it is asserted at Office Action pages 4-5 that Imburgia teaches a tortuous path with a length that covers the entire surface not covered by the testing chamber, which path ends at the testing chamber. It is evident from the figures of Imburgia that it does not provide for a channel having such structural attributes. In each of the figures of Imburgia, the channel is extremely short and covers only a minimal amount of the surface of the first housing part. Figs. 2, 5, and 7 of Imburgia exemplify this, as most of the surface of Imburgia’s first housing part is unused by the flow channel. Accordingly, for the reasons noted herein, it is respectfully submitted that the section 102(b) rejection of claims 25, 28-39, 42-44 and 47 based on Imburgia is traversed.

Applicants further submit that the rejection of claims 45, 48, and 50 under 35 U.S.C. § 103 (a) as unpatentable over Imburgia in view of Brown is traversed. Claim 45 depends from claims 44 and 25, and is therefore patentable for the reasons stated above, with respect to claim 25. Independent claim 48, like claim 25, recites that “the supply line [is] comprised of a channel located between a sidewall provided on an outer side of the first housing part and at least one inwardly facing ridge provided on the second housing part”. As indicated above,

Imburgia does not show an inwardly facing ridge provided on the second housing part. Brown is cited to allegedly cure this deficiency. The Examiner indicates that components 32 and 26 cooperate to teach this limitation (Office Action page 10). However, components 32 and 26 are not superimposed over each other as is the case with the claimed subject matter. In any event, claim 48 has been amended to indicate that upon superimposing the first and second housing parts, the first and second housing parts share an edge at a housing perimeter. Thus, as amended, claim 48 is believed to traverse the section 103 rejection. Further, the subject matter of dependent claim 50 is not taught or suggested by the aforementioned references.

Claim 49 is rejected under 35 U.S.C. § 103 (a) as unpatentable over Imburgia, Brown, and further in view of McCormick. Claim 49 is directed to the embodiment of Fig. 9, in which the first housing part is inserted into a box-shaped second housing part, with a sealing mat positioned between a top surface of the first housing part and a bottom of the top surface of the second housing part, the mat providing a seal between the first and second housing parts. The combination of Imburgia, Brown, and McCormick does not disclose the claimed arrangement. Accordingly, claim 49 is believed to be patentable over the cited references.

For the foregoing reasons, it is believed that all claims now under consideration are in condition of allowance.

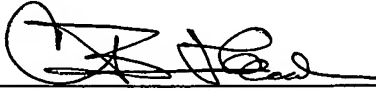
**REQUEST FOR EXTENSION OF TIME**

Applicants respectfully request a two month extension of time for responding to the Office Action. The fee of \$245.00 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

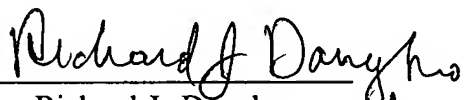
If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.


Respectfully submitted,  
JORDAN AND HAMBURG LLP

By   
C. Bruce Hamburg  
Reg. No. 22,389  
Attorney for Applicants

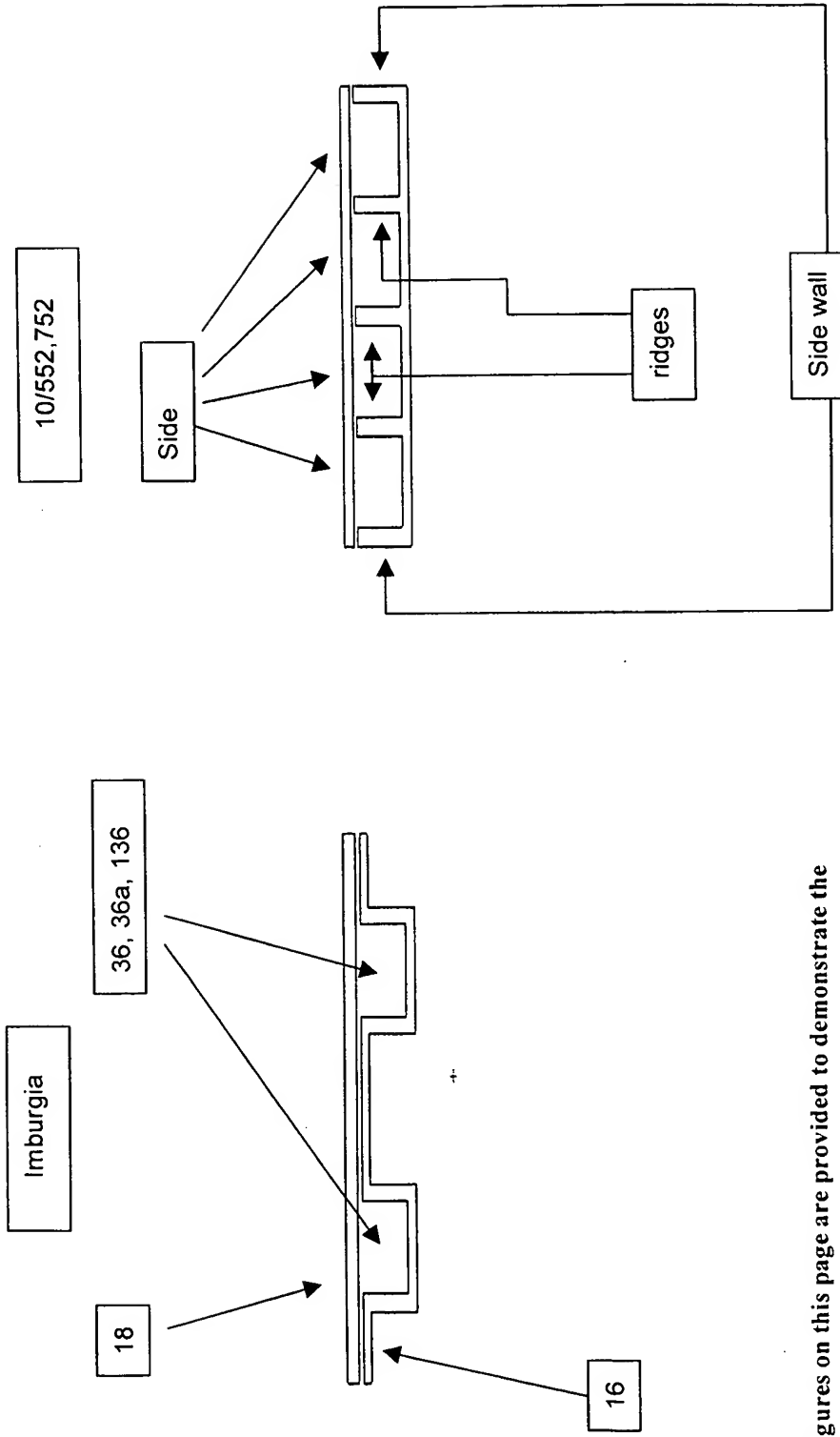
and,

By   
Richard J. Danyko  
Reg. No. 33,672  
Attorney for Applicants

Jordan and Hamburg LLP  
122 East 42nd Street  
New York, New York 10168  
(212) 986-2340

  
Reg. No. 22,389

enc: Form PTO-2038, Attachment



Note: the figures on this page are provided to demonstrate the differences between the cited references and claimed invention. Since this page is not intended to be part of the patent application, it is not subject to the rules concerning drawings or amendments thereto.